

Western District of New York State

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

UNITED STATES DISTRICT COURT

Western ~~District~~ District of New York

Case No.

25 CV 494

(to be filled in by the Clerk's Office)

Daniel S. Murray plaintiff

Plaintiff(s)

(Write the full name of each plaintiff who is filing this complaint. If the names of all the plaintiffs cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names.)

- ① Attica Correctional Facility
- ② Julie Wolcott (warden)
- ③ Minik Correctional Facility
- ④ State of New York

Defendant(s)

(Write the full name of each defendant who is being sued. If the names of all the defendants cannot fit in the space above, please write "see attached" in the space and attach an additional page with the full list of names. Do not include addresses here.)

JURY TRIAL: Yes ☒ No ☐

Defendants

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS
(Prisoner Complaint)

NOTICE

Federal Rules of Civil Procedure 5.2 addresses the privacy and security concerns resulting from public access to electronic court files. Under this rule, papers filed with the court should *not* contain: an individual's full social security number or full birth date; the full name of a person known to be a minor; or a complete financial account number. A filing may include *only*: the last four digits of a social security number; the year of an individual's birth; a minor's initials; and the last four digits of a financial account number.

Except as noted in this form, plaintiff need not send exhibits, affidavits, grievance or witness statements, or any other materials to the Clerk's Office with this complaint.

In order for your complaint to be filed, it must be accompanied by the filing fee or an application to proceed in forma pauperis.

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

I. The Parties to This Complaint

A. The Plaintiff(s)

Provide the information below for each plaintiff named in the complaint. Attach additional pages if needed.

Name

Daniel S. Murray

All other names by which
you have been known:

ID Number

17360

Current Institution

Warren County Jail

Address

1400 State Route 9

Lake George

NY

12845

City

State

Zip Code

B. The Defendant(s)

Provide the information below for each defendant named in the complaint, whether the defendant is an individual, a government agency, an organization, or a corporation. Make sure that the defendant(s) listed below are identical to those contained in the above caption. For an individual defendant, include the person's job or title (*if known*) and check whether you are bringing this complaint against them in their individual capacity or official capacity, or both. Attach additional pages if needed.

Defendant No. 1

Name

Attica Correctional Facility

Job or Title (*if known*)

Prison

Shield Number

Employer

(NYS DOCS)

Address

639 Exchange Street

Attica

NY

14011-0149

City

State

Zip Code

☒ Individual capacity ☐ Official capacity

Defendant No. 2

Name

Julie Wolcott

Job or Title (*if known*)

Warden

Shield Number

Employer

(NYS DOCS)

Address

639 Exchange Street

Attica

NY

14011-0149

City

State

Zip Code

☒ Individual capacity ☐ Official capacity

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

Defendant No. 3

Name

Job or Title (if known)

Shield Number

Employer

Address

Officer "Minik"
 Correctional Officer
 (NYS DOCCS) Attica Correctional Facility
 639 Exchange Street
 Attica NY 14011-0149
 City State Zip Code

☒ Individual capacity ☐ Official capacity

Defendant No. 4

Name

Job or Title (if known)

Shield Number

Employer

Address

State of New York
 Correctional Services
 The Harriman Campus Bldg 4
 (NYS DOCCS) The Capitol
 1220 Washington Ave
 Albany NY 12226
 City State Zip Code

☒ Individual capacity ☐ Official capacity

II. Basis for Jurisdiction

Under 42 U.S.C. § 1983, you may sue state or local officials for the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." Under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971), you may sue federal officials for the violation of certain constitutional rights.

A. Are you bringing suit against (check all that apply):

☐ Federal officials (a *Bivens* claim)

☒ State or local officials (a § 1983 claim)

B. Section 1983 allows claims alleging the "deprivation of any rights, privileges, or immunities secured by the Constitution and [federal laws]." 42 U.S.C. § 1983. If you are suing under section 1983, what federal constitutional or statutory right(s) do you claim is/are being violated by state or local officials?

my 14th, 10th, 8th, 6th, 4th and 1st Constitutional Rights
 all Been Violated. I Been Injured over and over
Sexually Abused By Correctional Officers

C. Plaintiffs suing under *Bivens* may only recover for the violation of certain constitutional rights. If you are suing under *Bivens*, what constitutional right(s) do you claim is/are being violated by federal officials?

my 14th, 10th, 8th, 6th, 4th, And 1st
 Constitutional Rights All Been Violated

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

My 14th, 10th, 8th, 6th, 4th, and 1st Constitutional Rights Been Violated.

- D. Section 1983 allows defendants to be found liable only when they have acted "under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia." 42 U.S.C. § 1983. If you are suing under section 1983, explain how each defendant acted under color of state or local law. If you are suing under *Bivens*, explain how each defendant acted under color of federal law. Attach additional pages if needed. Correctional officer Sexually Abused me. And His Boss the warden puts him closer to me to my work stations so it keeps happening. I got seriously injured And Sexually Abused not to

III. Prisoner Status

Indicate whether you are a prisoner or other confined person as follows (check all that apply):

- ☐ Pretrial detainee
☐ Civilly committed detainee
☐ Immigration detainee
☐ Convicted and sentenced state prisoner
☐ Convicted and sentenced federal prisoner

☒ Other (explain) County Sentence prisoner

IV. Statement of Claim

State as briefly as possible the facts of your case. Describe how each defendant was personally involved in the alleged wrongful action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If more than one claim is asserted, number each claim and write a short and plain statement of each claim in a separate paragraph. Attach additional pages if needed.

- A. If the events giving rise to your claim arose outside an institution, describe where and when they arose.

In Attire Correctional facility 2023 July 19th

- B. If the events giving rise to your claim arose in an institution, describe where and when they arose.

July 19th 2023 this is on Record grievance
Deemed fully Exhausted I got Sexually
Abused By officer mark And The other
Defendants let it still go down

Higher up than the Officer assault me over and over DID
Nothing to Stop The Abuse. I got into trouble and Retaliated
Against And Discriminated Against

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

- C. What date and approximate time did the events giving rise to your claim(s) occur? Well July 19th
2024 7:45 Night to 8:45 Night C. Block Hallway
Leading to Rec Yard on C Block
- D. What are the facts underlying your claim(s)? (For example: What happened to you? Who did what?
Was anyone else involved? Who else saw what happened?) I got Sexually Abused
over and over By officer minik I let his
Superiors know he Done this it was on
Camera There is Camera And Audio footage
AND (F.O.I.L) Department wrote me Back
and said they got it on Camera And Audio
For Court they preserved it for Court
- V. Injuries

If you sustained injuries related to the events alleged above, describe your injuries and state what medical
treatment, if any, you required and did or did not receive.

Yes I have Injuries I had to go to medical And
Due To Retaliation And Discrimination (Officer minik)
payed other inmates to Stabb And Cut me.

VI. Relief

State briefly what you want the court to do for you. Make no legal arguments. Do not cite any cases or statutes.
If requesting money damages, include the amounts of any actual damages and/or punitive damages claimed for
the acts alleged. Explain the basis for these claims.

I Am Seeking Damages to Injuries
\$2,000,000.00 from each listed Defendant Above for
Injuring me And putting me in harms way when I asked
For help. Not only was I getting Sexually Abused By the
Officer, Officer payed Someone to Stabb and Cut me
I Asked for help And to Be Moved Away from Officer
Warden Julie Wolcott Defendant Denied it And Put The
officer in my work Station. My 14th, 10th, 8th, 6th, 4th
And 1st Constitutional Rights were Violated Against me
And I got furthered Injured Due to Retaliation &
Discrimination got medical Denied. Medical malpractice
(Actual Injury) (I.E.D) (Inadequate medical) Pain & Suffering
Cruel and unusual Punishment, Inhuman treatment

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

VII. Exhaustion of Administrative Remedies Administrative Procedures

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted."

Administrative remedies are also known as grievance procedures. Your case may be dismissed if you have not exhausted your administrative remedies.

- A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

☒ Yes

☐ No

If yes, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s).

Attica Correctional facility

- B. Does the jail, prison, or other correctional facility where your claim(s) arose have a grievance procedure?

☒ Yes

☐ No

☐ Do not know

- C. Does the grievance procedure at the jail, prison, or other correctional facility where your claim(s) arose cover some or all of your claims?

☒ Yes

☐ No

☐ Do not know

If yes, which claim(s)? was Deemed Exhausted 2x I filed 2
Grievances on this Situation Both times it
was automatically Exhausted FULLY Exhausted
AS it started 23-1511 and 23-1809
Exhausted Grievances

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

- D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose concerning the facts relating to this complaint?

☒ Yes

☐ No

If no, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

☐ Yes

☒ No

- E. If you did file a grievance:

1. Where did you file the grievance?

Attica Correctional facility

2. What did you claim in your grievance? I got Sexually Abused By Correctional officer And I Also called (Prea) I went Above And Beyond just to get further ASSULTED AND INJURED

3. What was the result, if any? told me I was Exhausted

4. What steps, if any, did you take to appeal that decision? Is the grievance process completed? If not, explain why not. (Describe all efforts to appeal to the highest level of the grievance process.)

Exhausted Sexual Abused victims
Are Automatically Exhausted on grievance
Claims to go to court to get further
Relief I was told Every time I
Asked for Help And Reported this
I got ASSULTED AGAIN

(Rev. 01/21) Complaint for Violation of Civil Rights (Prisoner)

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here:

*This is All on file, Camera, video
Audio I got All the info.
I have proof
I filed them they are on my file,
my Grievance logs And All grievances*

2. If you did not file a grievance but you did inform officials of your claim, state who you informed, when and how, and their response, if any:

*Told Everyone the more I
told to get AWAY from situations the more
Injuries I Received for doing so.*

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

*Sexually Abuse is Automatic Exhausted
Thats what (Corc) states*

(Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.)

VIII. Previous Lawsuits

The "three strikes rule" bars a prisoner from bringing a civil action or an appeal in federal court without paying the filing fee if that prisoner has "on three or more prior occasions, while incarcerated or detained in any facility, brought an action or appeal in a court of the United States that was dismissed on the grounds that it is frivolous, malicious, or fails to state a claim upon which relief may be granted, unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g).

To the best of your knowledge, have you had a case dismissed based on this "three strikes rule"?

☐ Yes

☒ No

If yes, state which court dismissed your case, when this occurred, and attach a copy of the order if possible.

*None But please Get me An Index #
So I can file more motions With The Court
And Also send Exhibits for this case
Thank you*

Wyoming County NEW YORK STATE
Daniel S. Murray Plaintiff

V.

Case# 25CV494

- ① Attica Correctional Facility } Jury Trial
 ② Julie Wolcott Warden } ~~Yes~~ No
 ③ Officer Minik }
 ④ New York State } Defendants

Motion to the Court to Except this "1983 Lawsuit"
And Issue Me An. Index# So I can file more
Motions And Exhibits With The Court.

I Am the plaintiff Daniel S. Murray and Here is
 The Story for The Court. ON July 19th 2023
 I was walking out to Rec Yard in (C.) Block in
 Attica Officer Minik puts me on the wall for
 A post frisk He was playing with my Balls. Now
 mind you this is the 10th time He did this to
 me He waited for the whole Block to go out
 making me grab A hold of the wall. This was His
 3rd time He stuck his Hands down my pants. I filed
 A grievance. It got Deemed immediately Exhausted.
 I Asked to Have Him Arrested And fired on the
 Spot. But neither nor Him or me got moved Away
 from (C.) Block. This was the 17th Jury. I Am Seeking
 \$2,000,000.00 from Each Said Defendant listed Above
 There Are on going interest to Claim This Officer And
 Warden Had me jumped And Stabed I got Cut on A.
 (PC) Block once I put my Self in pc over this I got Cut

[page 2 OF 2]

Read Back page for Additional page →

I ASKED AND ASKED FOR HELP. I GOT HARASSED AND FURTHER INJURED DUE TO THE DISCRIMINATION AND RETALIATION. THIS ALL TOOK PLACE ON CAMERA IN C. BLOCK IN ATTICA PRISON THE AUDIO AND CAMERA FOOTAGE BEEN SAVE THROUGH ALBANY. I ASKED THE (F.O.I.L) DEPARTMENT TO SAVE CAMERA AND AUDIO ON THIS CASE AND I HAVE OTHER OFFICERS AS WITNESSES THEY CAME FORWARD AND THIS IS WHY I AM SUBMITTING THIS CASE ALSO ANOTHER REASON WHY I AM SUBMITTING THE CASE SO THE FURTHER INJURIES STOP.

Thank you. ALSO I HOPE THAT OFFICER "M. NIK" LOOSES HIS JOB SO HE DOES NOT DO THIS NO MORE AND ALSO THE WARDEN MISS JULIE WOLCOTT SHE NEVER LISTENED ALWAYS LEFT YOU IN A PLACE TO GET FURTHER INJURED I ASKED FOR HELP SHE DENIED IT. SHE ONLY RESPONDED TO ME WHEN I TRYED TO SEND MY FAMILY AN EMAIL TELLING THEM TO SEND THE STATE POLICE INTO TALK TO ME ABOUT ME CONSTANTLY GETTING SEXUALLY ABUSED BY THIS OFFICER. HE DID NOT GET MOVED AS A MATTER OF FACT I WAS WORKING MAIN MESS HALL HE GOT PUT THERE FOR HIS JOB ASSIGNMENT SO HE COULD VIOLATE ME AT HIS JOB. MY 14th, 10th, 8th, 6th, 4th, AND 1st CONSTITUTIONAL RIGHTS BEEN VIOLATED ON THIS.

RESPECTFULLY ~~Yours~~ TO THE COURT.

Daniel S Murray

05-30-25